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NOV 20 2017

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUISUNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
Eastern DIVISION

Elaine Cao )  
 NAME OF THE PLAINTIFF )  
 )  
 - vs - )  
Chess Club and Scholastic )  
Center at St. Louis )  
 )  
 )  
 )

Case No.

JURY TRIAL DEMANDED

YES  NO 

NAME OF THE DEFENDANT OR )  
 DEFENDANTS (Enter above the full name(s) of )  
 ALL defendant(s) in this lawsuit. Please )  
 attach additional sheets if necessary. )

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This employment discrimination lawsuit is based on (check only those that apply):

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin.  
*NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.*, for employment discrimination on the basis of age (age 40 or older).  
*NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*

American with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.*, for employment discrimination on the basis of disability.  
*NOTE: In order to bring suit in federal district court under the American with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

— Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, et seq., for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.

*NOTE: In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office representative or agency.*

— Other (Describe)

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PARTIES

2. Plaintiff's name: Elaine Cao

Plaintiff's address: 3211 S Grand Blvd Apt 2F  
Street address or P.O. Box

St. Louis, MO 63118

City/ County/ State/Zip Code

314 295 1600

Area code and telephone number

3. Defendant's name: Chess Club and Scholastic Center of St. Louis

Defendant's address: 4657 Maryland Ave  
Street address or P.O. Box

St. Louis, MO 63108

City/County/State/ Zip Code

314 361 2437

Area code and telephone number

**NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES, ADDRESSES AND TELEPHONE NUMBERS ON A SEPARATE SHEET OF PAPER.**

4. If you are claiming that the discriminatory conduct occurred at a different location, please provide the following information:

(Street Address)

(City/County)

(State) (Zip Code)

5. When did the discrimination occur? Please give the date or time period:

June 27, 2016

### **ADMINISTRATIVE PROCEDURES**

6. Did you file a charge of discrimination against the defendant(s) with the Missouri Commission on Human Rights?

Yes Date filed: \_\_\_\_\_

No

7. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

Yes Date filed: June 27, 2016

No

8. Have you received a Notice of Right-to-Sue Letter?

Yes  No

If yes, please attach a copy of the letter to this complaint.

9. If you are claiming age discrimination, check one of the following:

60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

**NATURE OF THE CASE**

10. The conduct complained of in this lawsuit involves (check only those that apply):

failure to hire me  
 termination of my employment  
 failure to promote me  
 failure to accommodate my disability  
 terms and conditions of my employment differ from those of similar employees  
 retaliation  
 harassment  
 other conduct (specify): \_\_\_\_\_

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Did you complain about this same conduct in your charge of discrimination?

Yes       No

11. I believe that I was discriminated against because of my (check all that apply):

race  
 religion  
 national origin  
 color  
 gender  
 disability  
 age (my birth date is: \_\_\_\_\_)  
 other: \_\_\_\_\_

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Did you state the same reason(s) in your charge of discrimination?

Yes  No

12. State here, as briefly and clearly as possible, the essential facts of your claim. Describe specifically the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct. Take time to organize your statement; you may use numbered paragraphs if you find it helpful. It is not necessary to make legal arguments, or to cite cases or statutes.

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I am a female individual who was employed as a Chess Instructor by Defendant from June 2015 until I was terminated on June 27, 2016. I met or exceeded my employer's legitimate performance expectations throughout my employment.

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Prior to June 25, 2016, I presented as male. After presenting as female on June 25, 2016, my contract was terminated by Bill Thompson, Scholastic Director, for reasons I allege to be pretextual. I therefore allege discriminatory conduct in this termination, as well as unequal terms and conditions in my employment in events surrounding this action.

Based on the above stated reasons, I believe I was discriminated against under Title VII of the Civil Rights Act of 1964, as amended, on the basis of my sex, female, in that my employer took my gender into account and terminated me for gender non-conforming appearance and behavior, and/or for transitioning from one gender to another and/or for being a transgender individual.

(Attach additional sheets as necessary).

13. The acts set forth in paragraph 12 of this complaint:

       are still being committed by the defendant.

       are no longer being committed by the defendant.

X may still be being committed by the defendant.

**REQUEST FOR RELIEF**

State briefly and exactly what you want the Court to do for you. Make no legal arguments; cite no cases or statutes.

I am asking the court to order damages in all court costs and fees, and a sum of \$150 for each week between the date of discrimination and the conclusion of this process. (As of date of filing, this is \$10,950)

Signed this 20 day of November, 2017.

  
\_\_\_\_\_  
Signature of Plaintiff

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United States District Court

NOV 20 2017

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

for the

Eastern District of Missouri

Eastern Division

	Case No.
Elaine Cao	)
<i>Plaintiff</i>	)
-v-	)
	)
	)
	)
	)
	)
Chess Club and Scholastic Center of St. Louis	)
<i>Defendant</i>	)

**Complaint for Employment Discrimination**

**I. The Parties to the Complaint**

**A. The Plaintiff**

Elaine Cao  
3211 S Grand Blvd  
Apt 2F  
St. Louis, MO 63118  
(314) 295-1600  
elainecao93@gmail.com

**B. The Defendant**

Chess Club and Scholastic Center of St. Louis  
4657 Maryland Ave  
St. Louis, MO 63108  
(314) 361-2437  
trich@saintlouischessclub.org

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17.

### **III. Statement of Claim**

I am a female individual who was employed as a Chess Instructor by Defendant from June 2015 until I was terminated on June 27, 2016. I met or exceeded my employer's legitimate performance expectations throughout my employment.

Prior to June 25, 2016, I presented as male. After presenting as female on June 25, 2016, my contract was terminated by Bill Thompson, Scholastic Director, for reasons that I allege to be pretextual. I therefore allege discriminatory conduct in this termination, as well as unequal terms and conditions in my employment in events surrounding this action.

Based on the above stated reasons, I believe I was discriminated against under Title VII of the Civil Rights Act of 1964, as amended, on the basis of my sex, female, in that my employer took my gender into account and terminated me for gender non-conforming appearance and behavior, and/or for transitioning from one gender to another and/or for being a transgender individual.

The acts alleged in this complaint are still being committed by the defendant.

### **IV. Exhaustion of Federal Administrative Remedies**

I filed a charge (EEOC charge no. 560-2016-01712) with the U.S. Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct on June 27, 2016. By request, the Equal Employment Opportunity Commission issued a Notice of Right to Sue letter, which I received on August 28, 2017.

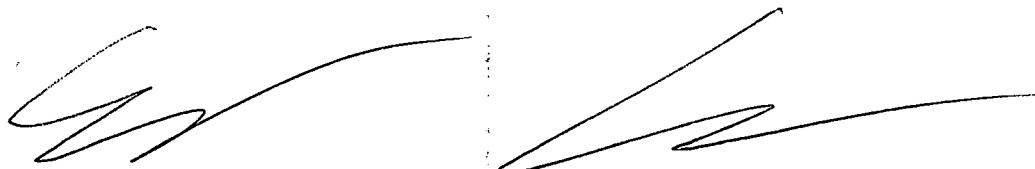
### **V. Relief**

I am asking the court to order damages to be paid in the sum of (1) all court costs and fees, and (2) an amount calculated as \$150 for each week between the date of discrimination, on June 26, 2016, and the conclusion of this process. The basis for this amount is based on the amount I would have earned had I continued to be contracted at a rate of five hours per week.

As of the date of filing, November 20, 2017, this would equal \$10,950.

### **VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Two handwritten signatures are present at the bottom of the page. The signature on the left is a stylized, cursive 'J' and 'S'. The signature on the right is a more formal, cursive 'J' and 'S'.